

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USDC Docket Number : 05-cv-30035

Micheal Gardner

v.

Micheal Thompson

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**CLERK'S CERTIFICATE**

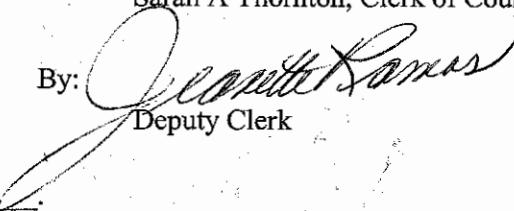
I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-6, 8-10, 12-25

and contained in Volume(s) 1 are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/15/2006.

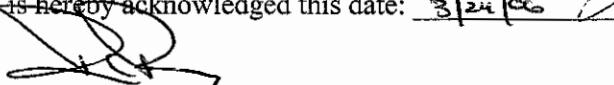
In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 23, 2006.

Sarah A Thornton, Clerk of Court

By:

  
Deanne L. James  
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 3/24/06.

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

United States District Court  
District of Massachusetts (Springfield)  
**CIVIL DOCKET FOR CASE #: 3:05-cv-30035-MAP**

Garner v. Thompson  
Assigned to: Judge Michael A Ponsor  
Cause: 28:2254 Petition for Writ of Habeas Corpus  
(State)

Date Filed: 02/02/2005  
Jury Demand: None  
Nature of Suit: 530 Habeas  
Corpus (General)  
Jurisdiction: Federal Question

**Petitioner**

**Michael Garner**

represented by **Thomas N Turner**

Attorney at Law  
PO Box 152  
8 Evergreen Lane  
Spruce Head, ME 04859  
207-594-0960  
Fax: 207-594-0960  
Email: tntlaw@midcoast.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

I hereby certify on 3/24/2006 that the foregoing document is true and correct copy of the  
 electronic docket in the captioned case  
 electronically filed or certified filed on  
 original filed in my office on 3/24/2006

Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts

By: Carrie L. Morris  
Deputy Clerk

V.

**Respondent**

**Michael A Thompson**  
Superintendent of MCI - Shirley  
(Medium)

represented by **David M. Lieber**  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, MA 02108  
617-727-2200  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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 Room 1811  
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**LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/02/2005	•1	Motion to proceed IFP without prepayment of fees re writ of habeas corpus pursuant to 28:2254, filed by Michael Garner. (Lindsay, Maurice) (Entered: 02/02/2005)
02/02/2005	•2	Judge Kenneth P. Neiman : ORDER entered granting Petitioner's 1 Motion to proceed without prepayment of fees re (28:2254) filed by Michael Garner. (Lindsay, Maurice) (Entered: 02/02/2005)
02/02/2005	•3	PETITION for writ of habeas corpus pursuant to 28:2254, filed by Michael Garner. (Attachments: # 1 Exhibit)(Lindsay, Maurice) (Entered: 02/02/2005)
02/02/2005	•	Summons Issued as to Michael A Thompson. (Lindsay, Maurice) (Entered: 02/02/2005)
04/14/2005	•4	US Marshal Process Receipt and Return for Michael A. Thompson, Superintendent MCI Shirley (Medium). Served on on 3/24/2005. (Finn, Mary) (Entered: 04/14/2005)
05/26/2005	•5	NOTICE of Appearance by David M. Lieber on behalf of Michael A Thompson (Lieber, David) (Entered: 05/26/2005)
05/26/2005	•6	ANSWER to Complaint by Michael A Thompson.(Lieber, David) (Entered: 05/26/2005)
05/27/2005	•7	Supplemental ANSWER to Complaint by Michael A Thompson. (document not scanned)(Lindsay, Maurice) (Entered: 06/01/2005)
07/11/2005	•8	Judge Michael A Ponsor : ORDER entered. SCHEDULING ORDER: Respondent's dispositive Motions due by 8/31/2005, and the Petitioner's opposition due no later than 10/15/05. See the attached sched. Order for complete details. cc/cl (Lindsay,

		Maurice) (Entered: 07/11/2005)
08/30/2005	⑨	Assented to MOTION for Extension of Time to September 12, 2005 to File <i>Memorandum of Law in Opposition to the Petition for Habeas Corpus</i> by Michael A Thompson.(Lieber, David) (Entered: 08/30/2005)
08/31/2005	●	Judge Michael A Ponsor : ELECTRONIC ENDORSED ORDER entered granting the Respondent's <u>9</u> Motion for Extension of Time to File a resp. to the 2254 habe petition to 9/12/2005; cc/cl. (Finn, Mary) (Entered: 08/31/2005)
08/31/2005	●	Set/Reset Deadlines as to Respondent's Response to the 2254 habe petition due by 9/12/2005. (Finn, Mary) (Entered: 08/31/2005)
09/12/2005	⑩	MEMORANDUM OF LAW by Michael A Thompson to <u>3</u> Petition for writ of habeas corpus (28:2254). (Lieber, David) (Entered: 09/12/2005)
09/14/2005	⑪	SECOND SUPPLEMENTAL ANSWER (Transcript) containing documents from the state court record. (not scanned) (Lindsay, Maurice) (Entered: 09/14/2005)
10/17/2005	⑫	Assented to MOTION for Extension of Time to 10/31/05 to File memo of law in support of Petition by Michael Garner. (Lindsay, Maurice) (Entered: 10/17/2005)
10/20/2005	●	Judge Michael A Ponsor : Electronic ORDER entered granting <u>12</u> Motion for Extension of Time to File memorandum of law in support of his petition to October 31, 2005 (French, Elizabeth) (Entered: 10/20/2005)
10/31/2005	⑬	Assented to MOTION for Second Extension of Time to 11/2/05 to File memorandum of law in support of petition by Michael Garner.(Lindsay, Maurice) (Entered: 10/31/2005)
11/01/2005	●	Judge Michael A Ponsor : Electronic ORDER entered granting <u>13</u> Motion for Extension of Time to 11/2/05 to File Memorandum of law in support of petition for habeas corpus (French, Elizabeth) (Entered: 11/01/2005)
11/02/2005	⑭	Petitioner's MEMORANDUM OF LAW in support of his <u>3</u> Petition for writ of habeas corpus (28:2254). by Michael Garner (Lindsay, Maurice) (Entered: 11/03/2005)
11/08/2005	⑮	Judge Michael A Ponsor : ORDER RE: BRIEFING entered.

		The Respondent, if he wishes, may file a reply to the Petitioner's <u>14</u> memorandum in support of his <u>3</u> Petition for writ of habeas corpus (28:2254) by 12/16/2005. The Court will thereafter take the petition under advisement and rule on the papers, or will set for oral argument; cc/cl.(Finn, Mary) (Entered: 11/08/2005)
12/09/2005	<u>16</u>	MEMORANDUM OF LAW by Michael A Thompson. (Lieber, David) (Entered: 12/09/2005)
01/13/2006	<u>17</u>	NOTICE of Hearing on Petition for writ of habeas corpus pursuant to 28:2254 Hearing set for 2/16/2006 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) (Entered: 01/13/2006)
01/30/2006	<u>18</u>	NOTICE of Appearance by Scott A. Katz on behalf of Michael A Thompson (Katz, Scott) (Entered: 01/30/2006)
02/01/2006	<u>19</u>	NOTICE of Hearing on the petition for writ of habeas corpus pursuant to 28:2254 :Hearing reset to 2/22/2006 at 10:30 AM in Courtroom 1 before Judge Michael A Ponsor; cc/cl. (Finn, Mary) (Entered: 02/01/2006)
02/22/2006	<u>20</u>	Electronic Clerk's Notes for proceedings held before Judge Michael A Ponsor : Hearing on petition (28:2254) held on 2/22/2006. Court rules from bench Petition to be dismissed - Memo to issue (Court Reporter Alice Moran.) (French, Elizabeth) (Entered: 02/22/2006)
02/23/2006	<u>20</u>	Judge Michael A Ponsor : MEMORANDUM AND ORDER entered, denying Petitioner's <u>3</u> Petition for Writ of Habeas Corpus. See the attached memo & order for complete details. cc/cl(Lindsay, Maurice) (Entered: 02/23/2006)
02/23/2006	<u>21</u>	Judge Michael A Ponsor : ORDER entered. JUDGMENT in favor of Respondent Michael Thompson against Petitioner Michael Garner. cc/cl(Lindsay, Maurice) (Entered: 02/23/2006)
03/15/2006	<u>22</u>	NOTICE OF APPEAL as to <u>20</u> Memorandum & ORDER, <u>21</u> Judgment by Michael Garner. NOTE: (FEE IS NOT PAID) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal

		Record due by 4/4/2006. (Lindsay, Maurice) (Entered: 03/15/2006)
03/15/2006	②3	MOTION for Certificate of Appealability by Michael Garner. (Lindsay, Maurice) (Entered: 03/15/2006)
03/15/2006	②4	MEMORANDUM in Support of <u>23</u> MOTION for Certificate of Appealability filed by Michael Garner. (Lindsay, Maurice) (Entered: 03/15/2006)
03/17/2006	②5	Judge Michael A Ponsor : MEMORANDUM AND ORDER entered. The Petitioner's motion for Certificate of Appealability - <u>23</u> is DENIED; cc/cl. (Finn, Mary) (Entered: 03/17/2006)
03/17/2006	⑥	Original file and docket sheet forwarded to the Appeals Clerk. (Finn, Mary) (Entered: 03/17/2006)